

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 18, 1998

UNITED STATES OF AMERICA, Complainant,)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 97A00061
)	
PIZZA & BREW RESTAURANT, INC., D/B/A)	
PIZZA & BREW RESTAURANT OF CROTON-)	
ON-HUDSON AND SDB HOLDING CO., INC.,)	
Respondents.)	

ORDER OF DISMISSAL-SETTLED

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Department of Justice, Immigration and Naturalization Service (INS) is the complainant and Pizza & Brew Restaurant, Inc. d/b/a Pizza & Brew Restaurant of Croton-On-Hudson and SDB Holding Company, Inc. are the respondents. On January 27, 1997, INS filed a complaint consisting of four counts with the Office of the Chief Administrative Hearing Officer (OCAHO). Respondents answered the complaint on February 28, 1997. After additional proceedings, this office was notified that the parties had agreed to a settlement and on February 9, 1998, the parties filed their Settlement Agreement signed by both parties which resolves all issues in the complaint.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure:

(a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

(1) Submit to the presiding Administrative Law Judge:

- (i) The proposed agreement containing consent findings; and
- (ii) A proposed decision and order;

or (emphasis added)

(2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge.
28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and find that its terms are appropriate pursuant to 28 C.F.R. § 68.14(a).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. § 68.14:

1. Respondent has withdrawn its request for a hearing on the merits, and the hearing is canceled,
2. this matter is dismissed with prejudice in that respondent will pay a civil monetary fine in the total amount of \$3,795.00, to be paid in full and in the manner set forth in that Agreement,
3. it is appropriate to dismiss the instant proceeding based upon the parties' notification made pursuant to 28 C.F.R. § 68.14(a)(2), and
4. the Complaint is dismissed.

SO ORDERED.

Dated and entered this 18th day of February, 1998.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 1998, I have served copies of the foregoing Scheduling Order of Dismissal-Settled on the following persons at the addresses indicated:

Dea Carpenter, Esq.
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536-9999

Lisa Fried, Esq.
Paul Szeto, Esq.
Immigration and Naturalization Service
P.O. Box 2669
New York, NY 10008-2669

Howard L. Baker, Esq.
Wilens & Baker, P.C.
450 Seventh Avenue
New York, NY 10123-0004

Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041

Cynthia A. Castañeda
Legal Technician to
Ellen K. Thomas
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, Virginia 22041
(703) 305-1742